

Application No. 10/683,746

REMARKS

Applicant has carefully reviewed the office action mailed April 20, 2005. By this Amendment, claim 1 is amended and claims 12 - 26 are cancelled without prejudice or disclaimer of the subject matter therein. Applicant respectfully requests entry and examination of new claims 27-44. The following remarks are respectfully submitted.

§102 rejections

Claims 1-8 stand rejected under 36 U.S.C. 102(b) as being anticipated by Mahoney, U.S. Patent 2,869,720. Applicant traverses the rejection of claims 1-8 based on the following argument.

The Examiner has stated that, since the applicant does not positively recite the plush item in combination with the apparatus, claims 2-8 are anticipated by Mahoney. This statement leads the Applicant to believe that, if the plush item had been positively recited in claim 1, then the Examiner would not have rejected claims 1-8 as being anticipated by Mahoney. By this amendment, Claim 1 defines a display apparatus **comprising a plush item** and an aperture within which the plush item is received. Mahoney neither teaches nor suggests an apparatus including a plush item.

Additionally, claim 1 defines the apparatus comprising a column having a top end and a bottom end and a strap **extending between the top end and the bottom end**; the column comprising a first side panel, a second side panel and a major panel extending therebetween. It should be understood that the panels as well as the strap of claim 1 extend in a **vertical direction** between the top end and the bottom end of the column. Although Mahoney discloses a package including a hollow prismatic rectangular enclosure 32, which has been likened to the column of claim 1 by the Examiner, the ends of the enclosure 32, which the Examiner has identified with score lines 12 and 13, do not correspond to a **top end** and a **bottom end** of the enclosure 32; rather, a top end of the enclosure 32 is defined by panel 32D extending between the lines 12 and 13. With reference to the specification of Mahoney (Figures 1 and 3 and in the text, column 1, lines 62-64 and column 2, lines 4-8), the screw bases of lamps are received in apertures 37, 38 formed in **the top panel 32D** (misabeled 32B in the text). Since panel 32D defines a top end of

Application No. 10/683,746

the enclosure 32 of Mahoney, opposing panel 32B, between score lines 14 and 15, necessarily defines a **bottom** end of the enclosure 32. Thus, Mahoney neither teaches nor suggests a strap extending between a top end and a bottom end of a column; rather the panels 33, 34, 35 of Mahoney, which the Examiner has likened to the strap of claim 1, extend **over the top end** of the enclosure 32.

With respect to the Du Priest reference, although Du Priest discloses a combination pillow and pillow holder 24, they cannot be likened to the display apparatus of claim 1 presented herein; the function of the pillow holder is to maintain a pillow in a position under a head of a patient in a hospital bed (column 1, lines 19-21) not to display the pillow. Furthermore, strap 28 of the Du Priest pillow holder does not include a portion corresponding to a column; rather, strap 28 includes a **pillow encasing loop formed by a portion of an elongate strip 30** (Figure 2; column 2, lines 40-43). Du Priest does not define separate portions of the loop; thus, the loop encasing the pillow cannot be said to have a rear portion corresponding to the column of claim 1; the entirety of the loop is a portion of the elongate strip 30. Similarly pillow holder 50 shown in Figure 4 includes an elongate strip of material 52, the lower end of which is reverted and secured at 54 to form a fixed loop (column 2, lines 51-55).

In light of the arguments presented herein, Applicant respectfully requests that the Examiner withdraw the rejection of claim 1 and claims 2-8 dependent thereon.

Claims 12-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Du Priest, U.S. Patent 3,346,892. Applicant has canceled claims 12-26, without prejudice or disclaimer of the subject matter therein, rendering the rejection of claims 12-26 moot.

Application No. 10/683,746

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested. The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

Dated: July 18, 2005

Elisabeth Lacy Belden
Elisabeth Lacy Belden
Reg. No. 50,751
(612) 492-7843

Customer No. 22859
Fredrikson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425 USA
Telephone: (612) 492-7000
Facsimile: (612) 492-7077

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 06-1910.

CERTIFICATE OF FACSIMILE

I hereby certify that this document is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

July 18, 2005
Date of Transmission

Lisa Hengen
Lisa Hengen

#3143605\1